

SEP 23 2002 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and  
Scott Siegel

RECEIVED

Application No.: 10/010,229

Group Art Unit: 1644

SEP 25 2002

Filed: December 7, 2001

Examiner: Not Assigned

TECH CENTER 1600/2900

Confirmation No.: 8474

Title: METHODS OF TREATING MYELODYSPLASTIC SYNDROME WITH  
ANTI-TNF ANTIBODIES

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202	
on 9-19-02	Linda M. Amato
Date	Signature
Linda M. Amato	
Typed or printed name of person signing certificate	

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
- ☐ Copies of the cited references are enclosed.
- ☒ Copies of cited references are enclosed except those entered in prior applications, U.S. Application No. 09/927,703, U.S. Application No.: 09/756,398 and U.S. Application No.: 09/133,119 to which priority under 35 U.S.C. 120 is claimed. The earlier applications contains copies of the cited references.
- ☒ Some of the listed references were cited in the enclosed International Search Report and European Search Report in a counterpart foreign application. [ISR References AS, AT, AU, AZ, AX7, AY7 and AZ7; ESR References AP2, AM3, AN3, AO3, AP3, AQ3 and AL5]
- ☐ The "concise explanation" requirement (non-English references) for reference(s) [ ] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.
- ☐ submission of the enclosed International Search Report.
- ☐ the enclosed English language abstract.
- ☒ Applicant requests that the following pending applications be considered:

Examiner's  
Initials

\_\_\_\_ U.S. Patent Application No. 09/756,398, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and Scott Siegel, filed January 8, 2001, Docket No.: 0975.1005-006

\_\_\_\_ U.S. Patent Application No. 09/756,301, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and Scott Siegel, filed January 8, 2001, Docket No.: 0975.1005-008

U.S. Patent Application No. 09/766,535, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and Scott Siegel, filed January 18, 2001, Docket No.: 0975.1005-010

U.S. Patent Application No. 09/897,724, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and Scott Siegel, filed July 2, 2001, Docket No.: 0975.1005-012

U.S. Patent Application No. 09/927,703, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and Scott Siegel, filed August 10, 2001, Docket No.: 0975.1005-013

U.S. Patent Application No. 10/043,450, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and Scott Siegel, filed January 10, 2002, Docket No.: 0975.1005-015

U.S. Patent Application No. 10/044,534, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and Scott Siegel, filed January 10, 2002, Docket No.: 0975.1005-016

U.S. Patent Application No. 10/043,432, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and Scott Siegel, filed January 10, 2002, Docket No.: 0975.1005-017

U.S. Patent Application No. 10/043,436, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and Scott Siegel, filed January 10, 2002, Docket No.: 0975.1005-018

U.S. Patent Application No. 10/176,460, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and Scott Siegel, filed June 20, 2002, Docket No.: 0975.1005-019

U.S. Patent Application No. 10/187,121, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and Scott Siegel, filed June 28, 2002, Docket No.: 0975.1005-020

U.S. Patent Application No. 10/186,559, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and Scott Siegel, filed June 28, 2002, Docket No.: 0975.1005-021

U.S. Patent Application No. 10/198,845, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and Scott Siegel, filed July 18, 2002, Docket No.: 0975.1005-022

U.S. Patent Application No. 10/200,795, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and Scott Siegel, filed July 22, 2002, Docket No.: 0975.1005-023

U.S. Patent Application No. 10/208,145, by Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David M. Knight and Scott Siegel, filed July 29, 2002, Docket No.: 0975.1005-024

\_\_\_\_\_  
Examiner

\_\_\_\_\_  
Date

- ☒ [X] The specification for the above cited co-pending applications is identical to the present specification (10/010,229). Therefore, only a copy of the current claims for each application is enclosed. Copies of the specifications of the co-pending applications will be provided upon request.
- ☐ [ ] A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ [ ] A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ [ ] Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.
- ☒ [X] Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

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Dated:

*September 19, 2002*

PTO-144 REPRODUCED <b>INFORMATION DISCLOSURE CITATION</b> IN AN APPLICATION SEP 23 2002 September 19, 2002 (Use several sheets if necessary)				ATTORNEY DOCKET NO. 0975.1005-014		APPLICATION NO. 10/010,229	
				APPLICANT Junming Le et al.		<b>RECEIVED</b>  SEP 25 2002  TECH CENTER 1600/2900	
				FILING DATE December 7, 2001			
U.S. PATENT DOCUMENTS							
EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	AA	4,603,106	07/29/86	Cerami et al.	435	7	
	AB	4,822,776	04/18/89	Cerami et al.	514	21	
	AC	5,658,570	08/19/97	Newman et al.	424	184.1	
	AD	5,750,105	5/12/98	Newman et al.	424	133.1	
	AE	5,231,024	7/27/93	Moeller et al.	435	240.27	
	AF	5,223,395	06/29/93	Gero	435	71	
	AG	5,436,154	07/25/95	Barbanti et al.	435	240.27	
	AH	5,654,407	08/05/97	Boyle et al.	530	388.15	
	AI	5,700,788	12/23/97	Mongelli et al.	514	91	
	AJ	5,730,975	03/24/98	Hotamisligil et al.	424	130.1	
	AK	5,741,488	04/21/98	Feldman et al.	424	154.1	
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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	AL	0 212 489 A2	04 MAR 87	EPO			
	AM	0 218 868 A2	22 APR 87	EPO			
	AN	0 288 088 A2	26 OCT 88	EPO			
	AO	0 308 378 A2	22 MAR 89	EPO			
	AP	0 380 068 A1	01 AUG 90	EPO			
	AQ	0 393 438 A3	24 OCT 90	EPO			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	AR	Beutler, B. et al., "Identity of tumour necrosis factor and the macrophage-secreted factor cachectin," <i>Nature</i> , 316:552-554 (1985).					
	AS	Beutler, B. et al., "Passive Immunization Against Cachectin/Tumor Necrosis Factor Protects Mice from Lethal Effect of Endotoxin," <i>Science</i> , 229:869-871 (1985).					
	AT	Morrison, Sherie L., "Transfectomas Provide Novel Chimeric Antibodies," <i>Science</i> , 229:1202-1207 (1985).					
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PTO-1449 REPRODUCED

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0975.1005-014APPLICATION NO.  
10/010,229INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

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several sheets if necessary)

APPLICANT  
Junming Le et al.FILING DATE  
December 7, 2001GROUP  
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EXAM- INER INI- TIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
AA2	5,776,947	07/07/98	Kroemer et al.	514	312	
AB2	6,015,558	01/18/00	Hotamisligil et al.	424	142.1	
AC2	6,172,202 B1	01/09/01	Marcucci et al.	530	406	
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AL2	0 398 327 A1	22 NOV 90	EPO			
AM2	0 412 486 A1	13 FEB 91	EPO			
AN2	0 433 900 A1	26 JUN 91	EPO			
AO2	0 526 905 A2	10 FEB 93	EPO			
AP2	WO91/02078	21 FEB 91	PCT			
AQ2	WO92/07076	30 APR 92	PCT			

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

AU	Liang, Chi-Ming et al., "Production and Characterization of Monoclonal Antibodies Against Recombinant Human Tumor Necrosis Factor/Cachectin," <i>Biochem. &amp; Biophys. Res. Comm.</i> , 137(2):847-854 (1986).
AV	Hirai, Makoto et al., "Production and characterization of monoclonal antibodies to human tumor necrosis factor," <i>J. of Immun. Methods</i> , 96:57-62 (1987).
AW	Piguet, Pierre-Francois et al., "Tumor Necrosis Factor/Cachectin is an Effector of Skin and Gut Lesions of the Acute Phase of Graft-vs.-Host Disease," <i>J. Exp. Med.</i> , 166:1280-1289 (1987).
AX	Meager, Anthony et al., "Preparation and Characterization of Monoclonal Antibodies Directed Against Antigenic Determinants of Recombinant Human Tumour Necrosis Factor (rTNF)," <i>Hybridoma</i> , 6(3):305-311 (1987).
AY	Fendly, Brian M. et al., "Murine Monoclonal Antibodies Defining Neutralizing Epitopes on Tumor Necrosis Factor," <i>Hybridoma</i> , 6(4):359-370 (1987).

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0975.1005-014APPLICATION NO.  
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	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
AL3	WO 92/13095	06 AUG 92	PCT			
AM3	0 260 610 A2	23 MAR 88	EPO			
AN3	91/09967	11 JUL 91	PCT			
A03	0 351 789 A2	24 JAN 90	EPO			
AP3	0 350 690 A2	17 JAN 90	EPO			
AQ3	90/00902	08 FEB 90	PCT			
AL4	WO 92/11383	09 JUL 92	PCT			
AM4	WO 93/02108	04 FEB 93	PCT			
AN4	WO 92/16553	19 MAR 92	PCT			

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AR2	Tracey, Kevin J. et al., "Anti-cachectin/TNF monoclonal antibodies prevent septic shock during lethal bacteraemia," <i>Nature</i> , 330:662-664 (1987).
AS2	Nagai, M. et al., "Antibody to tumor necrosis factor (TNF) reduces endotoxin fever," <i>Experientia</i> , 44:606-607 (1988).
AT2	Shimamoto, Yoshinori et al., "Monoclonal antibodies against human recombinant tumor necrosis factor: prevention of endotoxic shock," <i>Immunology Letters</i> , 17:311-318 (1988).
AU2	Di Giovine, Francesco, S. et al., "Tumour necrosis factor in synovial exudates," <i>Annals of the Rheumatic Diseases</i> , 47:768-772 (1988).
AV2	Collins, M.S. et al., "Immunoprophylaxis of Polymicrobial Cellulitis with a Human Monoclonal Antibody Against Lipopolysaccharide Antigen of <i>Pseudomonas aeruginosa</i> ," Abstract E-63, <i>Abstracts of Annual Meeting 1989</i> .

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INFORMATION DISCLOSURE CITATION IN AN APPLICATION  September 19, 2002 SEP 23 2002 (Use several sheets if necessary)				APPLICANT Junming Le et al.		<b>RECEIVED</b> SEP 25 2002 TECH CENTER 1600/290	
				FILING DATE December 7, 2001		GROUP 1644	
U.S. PATENT DOCUMENTS							
EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	AO4	WO 91/09967	11 JUL 91	PCT			
	AP4	0 486 526 B2	07 MAR 01	EPO			
	AQ4	WO 92/02190	10 JUN 92	PCT			
	AL5	0 288 088 B1	26 OCT 88	EPO			
	AM5	0 351 789 B1	24 JAN 90	EPO			
	AN5	0 453 898 A2	30 OCT 91	EPO			X
	AO5	0 585 705 A1	09 MAR 94	EPO			
	AP5	0 614 984 A2	14 SEP 94	EPO			
	AQ5	0 663 836 B1	26 JUL 95	EPO			
	AL6	WO 89/08460	21 SEP 89	PCT			
	AM6	WO 90/01950	08 MAR 90	PCT			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	AW2	Exley, A.R. et al., "Monoclonal Antibody (Mab) to Recombinant Human Tumour Necrosis Factor (rhTNF) in the Prophylaxis and Treatment of Endotoxic Shock in Cynomolgus Monkeys," <i>Medical Research Society</i> , Abstract 184, p. 50 (1989).					
	AX2	Cross, A.S. et al., "Pretreatment with Recombinant Murine Tumor Necrosis Factor $\alpha$ /Cachectin and Murine Interleukin 1 $\alpha$ Protects Mice from Lethal Bacterial Infection," <i>J of Exp Med.</i> , 169:2021-2027 (1989).					
	AY2	Engelmann, Hartmut et al., "A Tumor Necrosis Factor-binding Protein Purified to Homogeneity from Human Urine Protects Cells from Tumor Necrosis Factor Toxicity," <i>J. of Bio. Chem.</i> , 264(20):11974-11980 (1989).					
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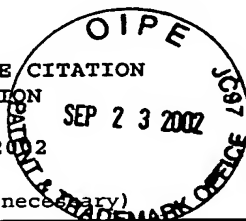


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AN6	WO 91/04054	04 APR 91	PCT			
A06	WO 92/01472	06 FEB 92	PCT			
AP6	WO 93/11236	10 JUN 93	PCT			
AQ6	WO 94/08609	28 APR 94	PCT			
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AZ2	Kawasaki, Hajime et al., "Analysis of Endotoxin Fever in Rabbits by Using a Monoclonal Antibody to Tumor Necrosis Factor (Cachectin)," <i>Infection and Immunity</i> , 57(10):3131-3135 (1989).
AR3	Fong, Yuman et al., "Antibodies to Cachectin/Tumor Necrosis Factor Reduce Interleukin 1 $\beta$ and Interleukin 6 Appearance During Lethal Bacteremia," <i>J. Exp. Med.</i> , 170:1627-1633 (1989).
AS3	Von Asmuth, E.J.U. et al., "Tumour Necrosis Factor Alpha (TNF- $\alpha$ ) and Interleukin 6 in a Zymosan-Induced Shock Model," <i>Scand. J. Immunol.</i> , 32:313-319 (1990).
AT3	Herve, P. et al., "Monoclonal Anti TNF $\alpha$ Antibody for the Treatment of Severe Acute GvHD in Humans," Abstract 3.25, <i>Lymphoma Res.</i> 9:591 (1990).
AU3	Silva, Ayona T. et al., "Prophylactic and Therapeutic Effects of a Monoclonal Antibody to Tumor Necrosis Factor- $\alpha$ in Experimental Gram-Negative Shock," <i>J. of Infectious Diseases</i> , 162:421-427 (1990).
AV3	Opal, Steven M. et al., "Efficacy of a Monoclonal Antibody Directed Against Tumor Necrosis Factor in Protecting Neutropenic Rats from Lethal Infection with <i>Pseudomonas aeruginosa</i> ," <i>J. of Infectious Diseases</i> , 161:1148-1152 (1990).
AW3	Tavernier, Jan et al., "Analysis of the Structure-Function Relationship of Tumour Necrosis Factor. Human/Mouse Chimeric TNF Proteins: General Properties and Epitope Analysis," <i>J. Mol. Biol.</i> , 211:493-501 (1990).
AX3	Lucas, R. et al., "Generation and characterization of a neutralizing rat anti-rm TNF- $\alpha$ monoclonal antibody," <i>Immunology</i> , 71:218-223 (1990).

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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	AY3	Hinshaw, L.B. et al., "Survival of Primates in LD <sub>100</sub> Septic Shock Following Therapy with Antibody to Tumor Necrosis Factor (TNF $\alpha$ )," <i>Circulatory Shock</i> , 30:279-292 (1990).					
	AZ3	Nophar, Yaron et al., "Soluble forms of tumor necrosis factor receptors (TNF-Rs). The cDNA for the type 1 TNF-R, cloned using amino acid sequence data of its soluble form, encodes both the cell surface and a soluble form of the receptor," <i>The EMBO Journal</i> , 9(10):3269-3278 (1990).					
	AR4	Engelmann, Hartmut et al., "Two Tumor Necrosis Factor-binding Proteins Purified from Human Urine," <i>J. of Bio. Chem.</i> , 265(3):1531-1536 (1990).					
	AS4	Verhoef, J. and Torensma, R., "Prospects for Monoclonal Antibodies in the Diagnosis and Treatment of Bacterial Infections," <i>Eur. J. Clin. Microbiol. Dis.</i> , 9(4):247-250 (1990).					
	AT4	Loetscher, Hansruedi et al., "Molecular Cloning and Expression of the Human 55 kd Tumor Necrosis Factor Receptor," <i>Cell</i> , 61:351-359 (1990).					
	AU4	Schall, Thomas J. et al., "Molecular Cloning and Expression of a Receptor for Human Tumor Necrosis Factor," <i>Cell</i> , 61:361-370 (1990).					
	AV4	Akama, Hideto et al., "Mononuclear Cells Enhance Prostaglandin E <sub>2</sub> Production of Polymorphonuclear Leukocytes via Tumor Necrosis Factor $\alpha$ ," <i>Biochemical and Biophysical Research Comm.</i> , 168(2):857-862 (1990).					
	AW4	Exley, A.R. et al., "Monoclonal antibody to TNF in severe septic shock," <i>The Lancet</i> , 335:1275-1277 (1990).					
	AX4	Möller, Achim et al., "Monoclonal Antibodies to Human Tumor Necrosis Factor $\alpha$ : In Vitro and In Vivo Application," <i>Cytokine</i> , 2(3):162-169 (1990).					
	AY4	Ruddle, Nancy H. et al., "An Antibody to Lymphotoxin and Tumor Necrosis Factor Prevents Transfer of Experimental Allergic Encephalomyelitis," <i>J. Exp. Med.</i> , 172:1193-1200 (1990).					
EXAMINER				DATE CONSIDERED			

PTO-1449 REPRODUCED		ATTORNEY DOCKET NO. 0975.1005-014	APPLICATION NO. 10/010,229
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		FILING DATE December 7, 2001	GROUP 1644
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
AZ4	Galloway, Cynthia J. et al., "Monoclonal anti-tumor necrosis factor (TNF) antibodies protect mouse and human cells from TNF cytotoxicity," <i>J. of Immunological Methods</i> , 140:37-43 (1991).		
AR5	Waldmann, Thomas A., "Monoclonal Antibodies in Diagnosis and Therapy," <i>Science</i> , 252:1657-1662 (1991).		
AS5	Aderka, Dan et al., "The Possible Role of Tumor Necrosis Factor (TNF) and Its Natural Inhibitors, The Soluble-TNF Receptors, In Autoimmune Diseases," <i>Israel J. Med. Sci.</i> , 28(2):126-130 (1992).		
AT5	Pennington, James, "TNF: Therapeutic Target in Patients with Sepsis," <i>ASM News</i> , 58(9):479-482 (1992).		
AU5	Harris, William J. and Emery, Steven, "Therapeutic antibodies - the coming of age," <i>TBTECH</i> , 11:42-44 (1993).		
AV5	Parrillo, Joseph E., "Pathogenetic Mechanisms of Septic Shock," <i>N.E. Journal of Medicine</i> , 328(20):1471-1477 (1993).		
AW5	Aggarwal, Bharat B. et al., "Human Tumor Necrosis Factor Production, Purification and Characterization," <i>J. of Biol. Chem.</i> , 260(4):2345-2354 (1985).		
AX5	Beutler, B. et al., "Purification of Cachectin, A Lipoprotein Lipase-Suppressing Hormone Secreted by Endotoxin-induced RAW 264.7 Cells," <i>J. Exp. Med.</i> , 161:984-995 (1985).		
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